

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

11	RANDY TEJADA,	)	Case No.: 1:21-cv-1112 JLT EPG (PC)
12	Plaintiff,	)	
13	v.	)	ORDER ADOPTING FINDINGS AND
14	S. CALDERON,	)	RECOMMENDATIONS AND DISMISSING THE
15	Defendant.	)	ACTION WITHOUT PREJUDICE
16		)	(Doc. 40)

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After the defense filed a motion for summary judgment, the Court ordered Plaintiff to file an opposition or a statement of non-opposition to it. (Doc. 39.) Plaintiff did not respond. Therefore, the magistrate judge found Plaintiff had failed to prosecute this action and failed to comply with the Court's order. (Doc. 40 at 1-2.) The magistrate judge recommended the action be dismissed, without prejudice, and the pending motion be denied as moot. (*Id.* at 4.)

The Court served the Findings and Recommendations, and it notified him that any objections were due within 14 days of the date of service. (Doc. 40 at 4.) The Court also informed him that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, Plaintiff has not filed objections and the time to do so has passed. Plaintiff has not taken any action to further prosecute this case.

1 According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court conducted a de novo  
2 review of this case. Having carefully reviewed the entire file, the Court concludes the Findings and  
3 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations dated July 12, 2023 (Doc. 40) are **ADOPTED**.
- 5 2. This case is **DISMISSED** without prejudice.
- 6 3. Defendant's pending motion for summary judgment is denied as **MOOT**.
- 7 4. The Clerk of Court is directed to close this case.

8  
9 IT IS SO ORDERED.

10 Dated: **August 20, 2023**

  
UNITED STATES DISTRICT JUDGE